

Dana Schrad, Chair
Robert Vilchez, Vice Chair
Anita James Price, Secretary
Eric English
Tyren Frazier
William Johnson
Scott Kizner
Synethia White



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COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

DRAFT Meeting Minutes

September 21, 2022

Virginia Public Safety Training Center, Knox Hall, 7093 Broad Neck Road, Hanover, VA 23069

Board Members Present: Eric English, Tyren Frazier, Will Johnson, Scott Kizner, Anita James Price, Dana Schrad, and Robert (Tito) Vilchez

Board Members Absent: Synethia White

Department of Juvenile Justice (Department) Staff: Ken Bailey, Ken Davis, Jenna Easton, Mike Favale, Joanna Fee, Amy Floriano, Dale Holden, Linda McWilliams, Guillermo Novo, Margaret O'Shea (OAG), Jamie Patten, Kristen Peterson, James Towey, Wendy Hoffman, and Carmen Williams

Guests: Dana Hawes (Rise for Youth) Jason Houtz (Superintendent, Fairfax Juvenile Detention Center), Gina Mingee (Executive Director, Merrimac Juvenile Detention Center), and Valerie Slater (Rise for Youth)

CALL TO ORDER AND INTRODUCTIONS

Chairperson Tyren Frazier called the meeting to order at 9:30 a.m. Chairperson Frazier welcomed those present and asked for introductions.

BOARD ELECTIONS

James Towey, Legislative and Regulatory Affairs Manager, Department

The Board of Juvenile Justice elects officers from its membership at their first meeting of the fiscal year to include the Chairperson, Vice-chairperson, and Secretary. The officers can serve for a term of one year and are eligible for re-election each year. There are no term limits.

The Chairperson shall be the presiding officer of the Board at its meetings. Upon request of the Board, the Chairperson shall act as its spokesperson or representative and shall perform such additional duties as may be imposed on that position by an Act of the General Assembly or by direction of the Board. The Chairperson shall be an ex-officio member of all committees of the Board.

The Board discussed and nominated Dana Schrad as Chairperson. On motion duly made by Tyren Frazier and seconded by Scott Kizner, the Board of Juvenile Justice approved the nomination of Dana Schrad as Chairperson. All Board members present declared "aye," and the motion carried.

The Vice-chairperson is the second officer under consideration. In the absence of the Chairperson at any meeting or in the event of disability or of a vacancy in the office, all the powers and duties of the Chairperson shall be vested in the Vice-chairperson. The Vice-chairperson shall also perform such other duties as may be imposed by the Board or the Chairperson.

The Board discussed and nominated Tito Vilchez as Vice-chairperson. On motion duly made by Dana Schrad and seconded by Will Johnson, the Board of Juvenile Justice approved the nomination of Robert (Tito) Vilchez as Vice-chairperson. All Board members present declared “aye,” and the motion carried.

The Secretary is the third officer under consideration. The Secretary shall (1) review and recommend improvements to Board meeting procedures and other relevant Board business so as to facilitate the administrative efficiency of the Board; (2) ensure the development of appropriate resolutions, etc., which are needed by the Board from time to time; (3) serve as the Board’s parliamentarian; (4) work closely with the Department staff who are assigned to provide administrative assistance to the Board to review and sign minutes and policy documents, etc.; and (5) ensure that unique or non-routine materials and equipment are available for the Board to carry out its functions. In the event that both the Chairperson and Vice-chairperson are absent at any meeting, the Secretary shall preside over the meeting.

The Board discussed and nominated Anita James Price as Secretary. On motion duly made by Dana Schrad and seconded by Scott Kizner, the Board of Juvenile Justice approved the nomination of Anita James Price as Secretary. All Board members present declared “aye,” and the motion carried.

The Board appointments take effect immediately. Board Member Frazier congratulated the newly elected officers and turned the meeting over to the new Chairperson, Dana Schrad.

CONSIDERATION OF THE JUNE 29, 2022, MINUTES

The minutes of the June 29, 2022, Board meeting were provided for approval. On a motion duly made by Anita James Price and seconded by Eric English, the Board approved the minutes as presented. All Board members present declared “aye,” and the motion carried.

PUBLIC COMMENT

There was no public comment.

CONSIDERATION OF THE BOARD BYLAWS

James Towey, Legislative and Regulatory Affairs Manager, Department

Pursuant to Article 7, § 7.01 of the State Board of Juvenile Justice Bylaws, the Board shall review the bylaws annually to ensure compliance with any amendments that may have been made to applicable sections of the Code of Virginia. At the first meeting of the fiscal year, the Board is provided with any amendments from the past General Assembly session that affect the Board’s bylaws, and considers amendments to the bylaws to reflect the change(s). There is one change that impacts the Board’s bylaws this year, and that is the striking of all references to boot camps from the Code of Virginia. This was part of the agency’s legislation this past General Assembly session. Under § 3.02, (n), the bylaws reference boot camps, which will need to be struck.

On motion duly made by Tyren Frazier and seconded by Will Johnson, the Board of Juvenile Justice approved the proposed amendment to § 3.02 (n) of the Board of Juvenile Justice Bylaws. All Board members present declared “aye” and the motion carried.

Mr. Towey reminded the Board that in addition to the annual review of the bylaws, which is required, the Board has the authority to amend the bylaws at any time. Pursuant to § 7.02 of the State Board of Juvenile Justice Bylaws, amendment of the bylaws at any regular or special meeting of the Board by an affirmative vote of the majority of the Board, provided that the proposed amendment was included in the notice of the meeting. If the Board decided to change the bylaws, the Department staff would need to know beforehand to place it on the meeting agenda giving public notice and for staff to draft the proposed language.

CONSIDERATION OF VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT (VJCCCA) PLANS

Jenna Easton, Diversion Unit Manager, Department

Ms. Easton brought before the Board four proposed motions considering action on VJCCCA plans with the first two motions being continuations from the June meeting. The first two motions include localities that were not prepared to move their Fiscal Year (FY) 2023-2024 VJCCCA plans forward at the June meeting. The Diversion Unit staff completed their reviews and recommended the Board's approval for the Grayson Combined Plan for the FY 2023 and 2024 of the biennium and the Highland County, Lexington Combined (Buena Vista, Rockbridge, Alleghany, Covington, and Botetourt), and Richmond City VJCCCA plans for FY 2023.

On motion duly made by Will Johnson and seconded by Anita Price James, the Board of Juvenile Justice approved the Grayson Combined VJCCCA plan for 2023 and 2024 fiscal years. All Board members present declared "aye," and the motion carried.

On motion duly made by Tyren Frazier and seconded by Eric English, the Board of Juvenile Justice approved the Highland, Lexington Combined, and Richmond VJCCCA plans for the 2023 fiscal year. All Board members present declared "aye," and the motion carried.

Powhatan VJCCCA plan was previously presented to the Board at the June meeting and approved; however, they have re-submitted a new plan. Powhatan made changes within their organization in terms of structure and oversight of the plan. They re-submitted a new FY 2023 VJCCCA plan, and the Diversion Unit recommended the Board's approval for FY 2023 of the biennium.

Chairperson Schrad asked what Powhatan's main change was to their plan. Ms. Easton answered that their plan and data contact is operated by a locally funded position in Powhatan, and their plan funded the position and services. Powhatan's local court service unit director has assumed oversight of the plan, and instead of paying for a position, they will contract officers to serve youth in Powhatan.

On motion duly made by Tyren Frazier and seconded by Will Johnson, the Board of Juvenile Justice approved Powhatan's revised VJCCCA plan for the 2023 fiscal year. All Board members present declared "aye," and the motion carried.

Spotsylvania, Fredericksburg, and Orange submitted plans approved at the June meeting and have since changed their plans. The Diversion Unit recommended the plans be approved for FY 2023 and 2024 of the biennium. Spotsylvania renewed a locally funded position from their plan and have added Post-Dispositional (Post-D) shelter care, anger management, and Post-D electronic monitoring. Fredericksburg renewed a locally funded position and added Post-D shelter care and substance abuse education to their plan. Orange added a prevention program specific to school related behavior. Orange worked with the school system to establish that intervention program.

On motion duly made by Eric English and seconded by Will Johnson, the Board of Juvenile Justice approved the Spotsylvania, Fredericksburg, and Orange revised VJCCCA plans for 2023 and 2024 fiscal years. All Board members present declared "aye," and the motion carried.

REGULATORY UPDATE

Ken Davis, Regulatory Affairs Coordinator, Department

The Regulation Governing Juvenile Correctional Centers and SB20, the Regulation Governing Youth Detained Pursuant to Federal Contracts, will be discussed shortly. The only other item to highlight is the Regulation

Governing Juvenile Secure Detention Centers which is 6VAC35-101. After this update was sent to the Board, the Department received word that the Attorney General's Office certified the final stage of the regulation. The agency's regulatory team will work to advance and send this regulation to the Department of Planning and Budget for their review, which is the executive review phase of the final stage of the regulatory process.

Mr. Davis concluded that the regulations are progressing through the system.

REQUEST APPROVAL TO ADVANCE THE REGULATION GOVERNING JUVENILE CORRECTIONAL CENTERS (JCCs) TO THE FINAL STAGE

Kristen Peterson, Regulatory and Policy Coordinator, Department

Ms. Peterson directed the Board to the proposed text on page 66 of the Board packet. The Board and the Department have worked on this regulation since 2016. The process has been extensive and involved important discussions. The Board is requested to approve the additional amendments to move the regulation to the final stage of the standard regulatory process.

There are several different ways to amend a regulation. One is through the standard regulatory process that involves three separate stages. For this regulation, the Board and agency initiated the first step by issuing the Notice of Intended Regulatory Action (NOIRA) in 2016. This put the general public on notice that the agency was preparing to amend the regulation. For each stage of the regulatory process there is a public comment period and an executive branch review. That review varies as the regulation moves through the various stages of the process. The regulation advanced through the NOIRA stage to the proposed stage where the Department of Planning and Budget completed an economic impact analysis. A policy analysis by the Office of the Attorney General was also completed and certified to the Department to move forward with the regulation. There were several public comments that the agency received. At this point, many years have passed since the regulatory action was initiated. Bon Air went through changes to include changes in mindset, so additional proposed amendments were made at the proposed stage. In June 2020, the regulation was sent back to the Board to approve the additional proposed amendments for advancement to the final stage. The Board approved those proposed amendments, but because there were so many changes between the proposed stage and the final stage, the Department opted to send the regulation through the revised proposed stage, which is authorized pursuant to § 2.2-4007.03 of the Code of Virginia. It is an optional process that allows the Department to seek additional public comment or seek executive branch review before finalizing the regulation. That stage of the regulatory process ended March 2022. There were no public comments at that point, and that is where the regulation stands today.

The proposed text that begins on page 69 of the Board packet incorporates all proposed amendments the Board approved thus far that survived the various stages of the regulatory process. The individual edits are not reflected in the document through strikethroughs and underlines, but all proposed amendments are imbedded in the text. The highlighted text reflects the new proposed amendments the Department is requesting approval for at this meeting.

Board Member James Price asked for confirmation that the proposed amendments were noted in yellow. Ms. Peterson responded that the proposed amendments are in yellow, deletions are noted by strike through, and added text is noted by underline.

The proposed amendments to the regulation involve room confinement. Members may remember several past meetings in which the group discussed room confinement extensively. The Board has always sought to ensure that if residents are placed in room confinement, safeguards be in place. For example, the Board approved a proposed amendment that said facility staff must conduct checks on residents in room confinement every 15 minutes rather than 30 minutes. This was done to ensure facility staff were monitoring

residents placed in room confinement. Another addition the Board approved was language that required a medical service provider or mental health clinician to come each day and visit with the resident and assess their medical and mental health status. These are protections to ensure the well-being of residents placed in room confinement.

The Department also sought to reduce the use of room confinement through language in subsection C of § 1140 of the proposed text (noted on page 108 of the Board packet). The Board approved language that would impose an absolute prohibition on the use of disciplinary room confinement. When a resident has been charged with a formal offense, the resident can either decide to admit to the formal charge and accept the sanction for the offense or agree to have a hearing to determine guilt for the offense. In those instances, under the existing regulation, the Department may impose room confinement as a sanction for that offense. At the revised proposed stage, the Board approved amendments that imposed an absolute prohibition on the use of room confinement as a disciplinary sanction.

The Department is requesting the Board reconsider that decision. It is important to note the regulation has been moving through the regulatory process, and, at this point, the Department is not bound by the proposed amendments to the regulation. The Department has continued to utilize room confinement as a disciplinary sanction and found it to be an effective tool to hold residents accountable for their behavior. In addition, it serves as a deterrent for certain behavior when residents see a resident who commits an infraction be subject to disciplinary room confinement. The Department believes that room confinement as a disciplinary sanction, if utilized responsibly and sparingly for what is considered the most egregious offenses, should be permissible. The Department is proposing to modify the language in subsection C that the Board has already approved. Subsection C, number 3 sets out specific offenses for which room confinement as a disciplinary sanction would be authorized. Most of these offenses are severe, such as escape, attempted escape, absent without leave, security contraband, assault, fighting, sexual misconduct, and sexual abuse. For these specific offenses, and only for these offenses, the Department believes it is appropriate to utilize room confinement as a sanction. Language added in subsection D reflects language in the current regulation that allows room confinement as a disciplinary sanction for a maximum period of five days.

The Department is also seeking the Board's approval to remove provisions in the regulation that currently reference juvenile boot camps. At the revised proposed stage, all language referencing juvenile boot camps was deleted, and a separate chapter was created containing the boot camp provisions. This was done because the agency thought boot camps had different philosophies from JCCs and needed to be clear about distinguishing between those two types of programs. But now legislation has been enacted that removes the Department's authority to establish boot camps and the Board's authority to prescribe these standards, and there is no longer a need to reference juvenile boot camps in the regulations.

Ms. Peterson ended her presentation. The Board had a lengthy discussion, and the summary is below:

- In response to a question regarding what constitutes "unauthorized items having the potential to threaten the security of the facility" under 1140(C)(3)(b), items may include, among others, drugs or illegal controlled substances, manufactured weapons or weapons that the resident might fabricate or construct, and cash money (\$10 or more). It was noted that there is a specific description for security contraband defined in the Department's procedure.
- There are two types of room confinement discussed in the regulation. Room confinement may be given out as a disciplinary sanction or for safety and security.

Disciplinary Sanction: Charges are brought against a resident who goes through the hearing process and receives room confinement as a disciplinary sanction. The Human Rights Coordinators make the

determination and inform the resident on the duration of room confinement. The room confinement cannot exceed more than five days, and the number of days of confinement cannot be modified.

Safety and Security: If a resident's actions threaten facility security or the safety and security of residents, staff, or others in the facility, the resident is placed in room confinement until the threat abates. If the threat continues beyond a five-day period, the facility can hold the resident pursuant to subsection M.

- The Board never contemplated eliminating room confinement for safety and security reasons. The Board eliminated room confinement as a sanction. The Department believes that room confinement should be used sparingly and via due process handled in-house rather than encouraging state charges that could impact their length of stay and criminal history. An example was given of parents sending their child to their room when they have done something wrong. The facility is trying to limit room confinement but realizes that the rooms are now customized, and residents feel it is their safe space. Facility staff help residents understand their behavior has consequences. This will support the resident when they return to the community, as they try to adjust to laws and society, understanding actions and consequences.
- In response to a question regarding whether another method of discipline other than room confinement is available, there are limited consequences given to someone in a facility. For those acts that are egregious and a threat to the facility or a specific victim, a distinction had to be made between loss of privileges and something more severe. Options are limited in a correctional setting.
- In relation to page 108 of the Board packet, subsections A through F, a Board Member asked if there is a need to have both assault and fighting. The Department responded that assault and fighting are terms distinguishable in the procedure. Assault is a non-provoked incident (an individual coming into contact with another individual) whereas fighting is provoked (willful engagement, hands on). Because there is a distinction, the Department recommended including both offenses.
- Ms. Peterson discussed the restorative effort in room confinement. Requirements are imposed on staff to visit with the resident, counsel them about their actions, let them know the expectations for behavior while in room confinement, and to the extent that there is no specified time for the room confinement period, what the resident needs to do to be released from room confinement. The board-approved regulations include opportunities to interact with staff members and receive counseling. In addition, there is a requirement that a mental health clinician or medical service providers visit with the resident once every day to assess the resident's medical and mental health status. Additional requirements have been imposed regarding other communications with staff because the Board and the Department wanted to avoid keeping youth in their room for an extended period of time without interaction. There is already a requirement that the superintendent or the superintendent's designee visit with the resident once daily. The board-approved amendments contain additional requirements for other staff to visit the resident. For those residents that are placed in room confinement for security purposes, before a resident can be confined for three days or more, the staff person two steps above the superintendent, typically the Deputy Director of Residential Services, is required to be notified, and that position has to approve room confinement exceeding three days.
- The Board discussed a verbal assault. The Department explained that the assault definition in the procedure contemplates a physical assault rather than verbal assaults. One Board Member asked the Board to be mindful of the number of sanctions being put on young people, the role adults have to de-escalate, and the challenges that occur in the facilities. Verbal assaults are left to the interpretation

of the individual, staff members, and the persons in the situation. The Board member encouraged the Board to be mindful of these decisions and sanctions involving room confinement, and reminded the Board that just two years ago, they had agreed to prohibit room confinement. Another Board Member indicated the Board should be careful about verbal assault because it is subjective.

Ms. Peterson explained that verbal assault or serious verbal threats are chargeable offenses but are not, under current procedure, subject to room confinement. The intent behind the proposed amendments was for physical assaults to be subject to disciplinary room confinement. There are separate terms in the procedure for serious verbal threats, and those are distinguishable from physical assaults.

Board Member Schrad asked the Board's Attorney General representative, Margaret O'Shea, for her opinion on whether the Board should use the language assault and battery or physical assault when referencing the offense subject to room confinement. Ms. O'Shea suggested mimicking the information in the disciplinary process. The juvenile handbook for Bon Air differentiates between assault or attempted assault and fighting separately. If you walk up and punch an officer, that is assault; or if you try to and get caught, it is attempted assault, not battery. The action is the same regardless of whether it was reflected in whatever definition encompasses both of those. Ms. O'Shea suggested to leave it as assault since that is what the juvenile is told they cannot do or make it an assault or attempted assault to encompass both situations.

Ms. O'Shea went on to explain that if a juvenile attacks another juvenile and that juvenile starts fighting back, they can be charged with fighting in that situation even though they did not initiate the altercation. Self-defense is not a defense in the correctional world. Fighting is less than assault: it is a reactive situation, but the bottom line is whatever is in the regulation should mimic what the juveniles are told they cannot do by policy. Ms. O'Shea would use the language assault or attempted assault separate from fighting but would not go with battery because battery could be unintentional.

- Verbal is separate in the policy in terms of whether it is a verbal threat.

Ms. Peterson clarified, and the Board agreed to replace the language of assault with physical assault in the procedure.

On motion duly made by Anita James Price and seconded by Will Johnson, the Board of Juvenile Justice approved the following proposed amendments to the Regulation Governing Juvenile Correctional Centers (6VAC35-71) for advancement to the Final Stage of the Standard Regulatory process: (i) all amendments previously adopted by the Board for the preceding stages of the regulatory process as reflected in the September 21, 2022 Board packet, and (ii) any additional amendments as agreed upon at the September 21, 2022 meeting. In addition, the Board agreed to the withdrawal of the regulatory action proposing a new chapter, Regulation Governing Juvenile Boot Camp Programs (6VAC35-73). All Board members present declared "aye," and the motion carried.

REQUEST APPROVAL TO ADVANCE SB 20 REGULATION (6VAC35-200) TO THE PROPOSED STAGE

Ken Davis, Regulatory Affairs Coordinator, Department

The Board is asked to approve the proposed language for a new chapter and move the regulation to the proposed stage of the standard regulatory process. This chapter comes from legislation introduced by Senator Adam Ebbin in 2020, which was passed and signed into law. The chapter took effect July 1, 2020, and is referred to as the SB20 regulation because it was Senate Bill 20. The legislation directs the Board to address youth who are detained in juvenile correctional facilities pursuant to contracts with the federal government.

Some Board members may remember conversations around Shenandoah Valley Detention Center and their operation of one of those programs. Northwestern Regional Juvenile Detention Center (JDC) also operates a program that falls under this regulation.

The law applies specifically to contractual arrangements between juvenile correctional facilities (a term which is not defined in this particular statute) and the federal government. As the workgroup reviewed what the law entailed, the group believed the intent of SB20 was to apply to both JCCs (state operated facilities such as Bon Air) and JDCs, which while not state-operated are regulated by the Board. Given the situation that occurred in Shenandoah Valley, the workgroup believed Senator Ebbin's intent was to address those programs that were in place at the detention centers.

The program in place at Shenandoah Valley is by contract with the Office of Refugee Resettlement (ORR) that deals with youth in federal custody who are unaccompanied minors. Generally, placement for those youth will be at less secure locations, such as shelter care, foster care, group homes, or other residential situations. But in some cases, if a child is deemed to be a danger to themselves or others or if there has been a criminal offense involved, then they may need to be placed in a secure setting. Immigration and Customs Enforcement (ICE) may contract with state-licensed facilities for accompanied minors and occasionally hold unaccompanied minors experiencing a delay in transfer to the ORR program. Currently, Northwestern Regional Juvenile Detention Center in Winchester is the only state facility that has a contract with ICE. Presently, one of each of those programs exists in the Commonwealth.

Senator Ebbin's legislation directed the Board to establish regulations that pertain to juvenile correctional facilities, and the workgroup determined that applied to both detention centers and the Department. Historically, the Department has had none of these federal contracts or any plans to have federal contracts, but in order to meet the spirit of the legislation, the workgroup thought this needed to be addressed in this new chapter. If the Department does decide to enter into a federal agreement, the regulatory structure would be in place.

§ 66-10.2 of the Code of Virginia lists seven specific areas that this new regulation must address:

1. Standards governing the use of physical force, mechanical restraints, and spit guards, and along with that avoiding the use of isolation.
2. Staff training requirements regarding cognitive behavioral interventions, trauma-informed care, cultural background implications, de-escalation techniques, and physical and mechanical restraints.
3. Requirements for an appropriate number of bilingual staff and culturally relevant programs.
4. Methods to ensure that youth in these programs understand their rights and responsibilities.
5. Standards to ensure the provision of necessary physical and mental health care.
6. A requirement that any contract in which a juvenile correctional facility agrees to house youth under federal custody must provide DJJ staff with the same access to those youth that DJJ has for all other youth in juvenile correctional facilities.
7. Standards for recordkeeping, including extended recordkeeping requirements for records and video footage related to reported incidents.

The Department is already performing most of the above listed items. The regulatory actions underway for the JCC and the JDCs addressed many of the concerns noted in Senator Ebbin's legislation. In addition, a regulatory change took effect in August 2019 requiring the Department adequate access to the youth in these federal programs. This was handled by a fast-track regulatory action that the Department added to the regulation governing JDCs. This addressed one concern that Senator Ebbin included in his bill, and the other concerns have already been addressed in the existing regulatory provisions.

The workgroup had many discussions on how to construct the chapter. The JCC and JDCs have their own sets of regulations. Ultimately, the workgroup decided to create a new chapter focused on federal contracts and to split it into three parts. One part provided for any state-regulated facility that has a federal program, the second is specific to JDCs, and the third is specific to the JCC. All three parts have differences in how the programs operate and their capabilities. This new chapter relies heavily on the JCC and JDC regulations, and the Department did not need to reinvent the wheel and repeat language. The Department believed it made more sense for a JDC to take care of youth in a federal program the same way they take care of youth in the facility now. Below are a few highlights from the chapter.

Section 40, Residents with limited English proficiency: A general provision that applies to the JCC and JDCs and addresses the staffing requirement in the law by adding a provision in subsection B requiring a minimum of one bilingual staff member that is accessible to the federal program. The provision also supplements the requirement in that interpretation and translation services must be always available to all federal residents with limited English proficiency.

Section 50, Culturally relevant programming: Applies to the JCC and JDCs requirement for bilingual staff. Mandates that any facility with a federal contract ensure that culturally relevant programming is available to the residents and be developed with consideration of the cultural needs, preferences, and differences of the populations served. The workgroup was careful in selecting that language understanding that the youth population under the federal programs may change. The workgroup wanted to make sure the regulation was flexible enough to allow for changes in the program based on the affected population at any given time in the facilities.

Chairperson Schrad noted that the regulation is written in a noncommittal way to allow for any other language and culture. Chairperson Schrad asked if a youth spoke Farsi and had a different culture, is there anything that will allow for customization.

Mr. Davis responded that the JCC and JDC would be required to develop programming appropriate to the youth (for instance, Farsi) inasmuch as they can, for the duration of time they have that youth to address the regulatory requirements. One of the challenges is the JDC typically does not keep these youth for a long period. The stays could be short, and to build a complete program for all the many cultures and languages the facilities may encounter is not realistic and expensive. This provides notice to the JDCs to make their best effort, within their limitations, to have appropriate programming. If the youth have a language barrier issue and the bilingual staff is not able to help, the facility is required to use translation services. Some services can be provided by a phone number the facility could call.

On page 123 of the Board packet, Section 220 is specific to federal programs based on similar provisions in the JDC regulation concerning release. This is not applicable because it has to do with court involved youth who are under federal custody.

Section 240 and several sections after, deal with room restriction including disciplinary room restriction, physical restraints, mechanical restraints, and mechanical restraint chairs. To address the requirement in the new statute that mentions room confinement and restraints, the workgroup moved the JDC provisions that are currently moving through to the final stage of the regulatory process, into this chapter. Although they are identical, it was decided to duplicate the text as a show of good faith and keeping with the intent of the legislation. This is identical to what the Board approved in April for the JDCs; there are no surprises.

The workgroup handled the JCC portion of the regulation the same as the JDC regulation; there is very little difference. Page 124 of the Board packet states the need to follow all regulations for the JCC chapter unless

the areas are different. Language was added in Section 420 regarding collecting the resident's primary and preferred language on the face sheet. This is already in the JDCs regulation.

The workgroup, which included representatives from the JDCs, put in long hours to draft this proposal. The workgroup and the Department both believe this information addresses concerns in Senator Ebbin's legation and request the Board's approval to move to the next stage of the process.

On motion duly made by Tyren Frazier and seconded by Robert Vilchez, the Board of Juvenile Justice approved the proposed language for the Regulations Governing Youth Detained Pursuant to Federal Contracts (6VAC35-200), including any additional amendments adopted at the September 21, 2022, Board meeting, and grants the Department of Juvenile Justice permission to advance the regulation to the Proposed Stage of the standard regulatory process. All Board members present declared "aye," and the motion carried.

REQUEST EXTENSION OF VARIANCE APPLICABLE TO MERRIMAC JUVENILE DETENTION CENTER

Ken Davis, Regulatory Affairs Coordinator, Department

This variance request from Merrimac Juvenile Detention Center (Merrimac) has come before the Board multiple times. Merrimac Executive Director Gina Mingee is present at today's meeting to address any questions.

Merrimac is seeking a variance to two specific provisions set out in 6VAC35-101-1070(B)(3) and 6VAC35-101-1080(B), (C), and (D). Those provisions deal with behavior management programs and the required disciplinary process applicable to rule infractions for which room confinement may be imposed as a sanction. The requirements limit any "cooling off" period. When a youth is given a cooling off period in their room, it is limited to no more than 60 minutes. Merrimac has had a successful Cognitive Behavioral Training Program (CBT) in place for the past 15 years. They have seen good results from the program. The issue is that the program operation has the potential to run afoul of the 60-minute requirement.

On page 162 of the Board packet is a summary of how the program is structured. The program is used for residents who fail to adhere to behavioral expectations and are subject to a disciplinary response. That language is important because it is a disciplinary response and not a punishment. The response involves removing the resident from any reinforcing stimuli and having them serve a temporary timeout or cooling-off period detailed below.

- A five-minute timeout in the program area for inappropriate behavior.
- A 30-5 which is 30 minutes of room confinement and a five-minute timeout period served outside of the room.
- A 30-30-5 which is a total of 60 minutes of room confinement followed by a five-minute timeout period served outside of the room. That 30-30-5 is imposed in response to actual, attempted, or verbal threat to the physical safety and security staff other youth or the facility.

While serving any of the timeout periods, this is where the 60-minute timeframe becomes problematic, if the resident fails to meet the applicable behavioral expectations such as sitting quietly, remaining awake, or completing the report (a report is a requirement of the 30-30-5), the timeout period can be extended. So, if the time is extended by five minutes, then it goes against the regulatory limit of 60 minutes, and it makes it impossible for Merrimac to operate the CBT Program.

The Board has repeatedly approved this variance in 2008, 2013, and 2017, and the program continues to be successful. Merrimac has not made any changes and would like to continue. Merrimac would like the Board approval to renew the variance, but differently this time. Rather than setting a three- or five-year period,

simply state the variance is essentially permanent until such time as Merrimac changes the program, changes the parameters of the timeouts or the cooling off periods, or the provisions of the regulations are changed in such a way that it makes all content in the variance unnecessary. For the last variance request, the Department chose the five-year mark because of the upcoming comprehensive review of the JDCs regulation. There was some thought that a change in the text would make this variance no longer needed; however, the language in the JDCs regulation remains such that the variance is still needed for the CBT Program to function. The request is for the Board to approve the variance to remain in effect permanently. Merrimac would not need to come back to the Board unless they make changes to the program, or if a regulatory change makes the variance unnecessary.

Chairperson Schrad asked what the major programmatic change would be to put them outside the regulation requiring Merrimac to come back and ask for another variance.

Mr. Davis responded if there was a change of philosophy at Merrimac that discontinued the use of the CBT Program, Merrimac would revert to following the 60 minutes and no longer use the program. Another example would be if Merrimac wanted to try a different program and would then seek the Board's approval. This variance would remain in place permanently, so long as Merrimac continues to follow the same parameters since 2008. This variance applies specifically and solely to Merrimac and does not extend to another detention center that chooses to start using the CBT Program. That detention center would need to have conversations with the Board.

Chairperson Schrad asked for confirmation that Merrimac's program had been reviewed and evaluated by the Department. Mr. Bailey responded that the program has been looked at since 2008 and seems to be working fine.

Chairperson Schrad and Board Member Price noted that it was interesting that this program is unique to Merrimac, and if they have demonstrated a success rate, could other facilities use. Mr. Davis asked Executive Director Gina Mingee to respond.

Ms. Mingee said Merrimac has seen a significant reduction in the amount of cooling off time given to residents. The residents are aware of the expectations up front, all are noted in the resident handbook, and the program has become a culture in the detention center. The average room time per consequence has decreased to 36 minutes from 2008. The number of consequences overall have reduced and the number of physical restraints remained constant since the CBT program has been in place. In a three-month period, Merrimac had 13 physical restraints. The program reduced the number of restraints and incidents. The facility does have a few serious offenders, so even accounting for them in the program, they responded effectively. There are not a lot of incidents involving assaults and contraband. Also, the parents surveyed during the release process report satisfaction with the program and Merrimac in general. Other states across the country use the program. Merrimac had the national developers of the program train facility staff initially, and the facility continued the same training keeping the fidelity of the model.

Ms. Mingee went on to discuss the program. The youth can file a grievance if they feel the program is unfair. The youth is given 60 minutes of room confinement and is asked to complete thinking reports that identify the errors in thinking, the consequences of erroneous thinking, and rational thinking as part of that 60-minute timeframe. To note, there is a strategic program modification in the case of assault on another resident or staff that is a longer period of time such as two or four days depending on the assault, whether it be resident or staff. The resident can come out of their room for specific activities depending on whether the other resident or staff is present during that time. There are 21 groups a week, so residents can come out at different periods of time during that two- or four-day period, and mediation is done with the other resident and staff, apology letters, and meetings with mental health staff several times a day to process various

thinking reports. Ms. Mingee concluded by saying the facility has found the program works, sees a lot of behavior change, and would like to continue with the variance.

Chairperson Schrad noted that this was a five-minute variance.

Board Member Kizner would like to hear more about the program at future meetings and is curious as to why other facilities are not using it. Board Member Kizner is concerned with giving permission for this program to go on indefinitely. Is it possible and does it seem more responsible to evaluate the program, maybe three or five years, to make sure the program is still effective?

Deputy Director Favale noted that the Certification Unit led by Mr. Bailey does certify the program every three years.

Board Member Kizner understands the certification process, and he is looking for another level of accountability. Board Member Kizner would like to learn more about how the program is working, and believes the Board has some type of responsibility specifically for this program.

Ms. Mingee said that Merrimac has been through the Standardized Program Evaluation Protocol (SPEP) process by the Department's Quality Assurance Unit, and this is another level of evaluation. The Department's Quality Assurance team can provide reports on that evaluation. Board Member Frazier agreed that the SPEP process should be included in the motion.

On motion duly made by Tyren Frazier and seconded by Will Johnson, pursuant to 6VAC35-20-92, the Board of Juvenile Justice approved a variance for Merrimac Juvenile Detention Center to the regulatory requirements set out in 6VAC35-101-1070(B)(3) and 6VAC35-101-1080(B), (C), and (D), regarding behavior management programs and the disciplinary process in juvenile detention centers. The variance shall apply exclusively to Merrimac and will allow Merrimac to continue operating its Cognitive Behavioral Training Program in accordance with the text presented at the September 21, 2022, Board meeting and with the inclusion of the Department of Juvenile Justice's quality assurance program reports.

This variance shall remain in effect permanently or until such time as (i) Merrimac discontinues its CBT Program or alters the program's cooling off parameters or (ii) any or all of the regulatory provisions set forth in 6VAC35-101-1070(B)(3) and 6VAC35-101-1080(B), (C), and (D) are amended in such a way as to make the variance unnecessary. All Board members present declared "aye," and the motion carried.

REQUEST EXTENSION OF VARIANCE APPLICABLE TO JUVENILE CORRECTIONAL CENTERS, SECURITY STAFF SUPERVISION OF RESIDENTS DURING TRANSPORTATION

Kristen Peterson, Regulatory and Policy Coordinator, Department

This variance was originally issued in 2016 and extended in 2019. It was thought that the regulation would be amended by this time, but it has not, so the Department is coming before the Board to ask for an extension of this variance.

This variance was proposed because of the language in 6 VAC35-71-830(A) that says there must be at least one direct care staff member who is present and on duty and is responsible for the supervision of every ten residents in the facility. The language has been updated in the Regulation Governing Juvenile Correctional Centers that the Board agreed to earlier this meeting. The existing regulatory provision is satisfied by a staffing ratio of 1:8 for direct care staff. Direct care staff are primarily responsible for maintaining the safety and well-being of the residents in the facility, implementing the structured programs of Handle with Care and other behavior management programs, and maintaining the security of the facility.

Bon Air JCC began to implement the community treatment model in 2015, and at that time, the facilities had juvenile correctional officers. In the hopes of successfully implementing the community treatment model, the juvenile correctional officer position was reclassified and bifurcated into direct care staff and security staff. The direct care staff would be responsible for the behavior management program and given enhanced programmatic responsibilities to implement the requirements of the community treatment model. For example, in addition to their security role, direct care staff were also responsible for leading therapeutic activities, serving as a role model for other residents, and overseeing the circle up meetings in the facility. The direct care staff had a more therapeutic role in addition to their security roles.

Security staff were primarily responsible for conducting the security-related functions in the facility, such as manning the control centers, conducting searches at the entrance to the facility, and conducting perimeter searches. Because Bon Air bifurcated that juvenile correctional officer position, the facility had one set of staff members who were primarily responsible for implementing the behavior management program and another set of staff members more responsible for the security-related functions, which created complications because the regulation at the time did not contemplate these separate classifications. The result was asking the Board in 2016 for a variance to that regulatory requirement. The need for the variance arose because security staff needed to be able to transport residents off-site for emergency purposes or for routine appointments but did not meet the definition of direct care staff to satisfy the staffing ratios.

The Board has already adopted the concepts of this variance in the proposed amendments for the regulation. The Department requested the Board approve the extension of the variance for five years.

On motion duly made by Eric English and seconded by Robert Vilchez, pursuant to 6VAC35-20-92 of the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities, the Board of Juvenile Justice approved an extension of the variance to the regulatory requirement provided in subsection A of 6VAC35-71-830 that requires at least one direct care staff member on duty, and responsible for supervision of every 10 residents on the premises or participating in off-campus, facility-sponsored activities. This variance shall continue to authorize staff classified as security staff to actively supervise residents during routine and emergency transportation. This variance shall remain in effect until conforming amendments are made to 6VAC35-71 or for five years, whichever occurs first. All Board members present declared "aye," and the motion carried.

REQUEST EXTENSION OF VARIANCE APPLICABLE TO JUVENILE CORRECTIONAL CENTERS, TRAINING FOR DIRECT SUPERVISION STAFF

Kristen Peterson, Regulatory and Policy Coordinator, Department

The variance request is to the regulatory requirement set out in 6VAC35-71-160 and involves staff that are classified as direct supervision staff, such as teachers, counselors, mental health clinicians, and recreational staff. There are several training requirements that direct supervision staff must fulfill; the topics are enumerated on page 183 of the Board packet. The regulation requires direct supervision staff receive 120 hours of training before assuming their direct supervision responsibilities. The current variance allows the direct supervision staff to receive 40 hours of that training before they assume direct supervision responsibilities and the remainder of the training before the close of the first year of employment. This was deemed necessary in 2014 because direct supervision staff are hired on a rolling basis, typically when there are vacancies in those particular positions. As a result, there were often no classes available and not enough staff to hold a class at a particular time. The Department's Training Unit was unable to make the class available for one person; it was impractical. The Department created institutional training and allowed those direct supervision staff to receive 40 hours of training initially before assuming their direct supervision responsibilities and then receive 80 hours of training before the close of their first year of employment. The

goal was to ensure essential services, such as educational and mental health services, were not delayed while waiting on training opportunities to become available for recently hired direct supervision staff. This variance has been in place since 2014 and updated in 2019. The language proposed and approved by the Board for the JCC regulation is more stringent. The proposed amendments to the regulation require direct supervision staff to receive 80 hours of training before they assume their direct supervision responsibilities and then complete the remainder of the training before the end of their first year. The Department wanted to maintain the status quo as the agency continued to address issues within the facility.

On motion duly made by Will Johnson and seconded by Anita James Price, pursuant to 6VAC35-20-92 of the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities, the Board of Juvenile Justice approved an extension of the variance to the regulatory requirement provided in subsection B of 6VAC35-71-160 that requires “direct supervision staff” in juvenile correctional centers to complete at least 120 hours of initial training, inclusive of the topics specified therein, before being responsible for the direct supervision of a resident. The variance shall continue to authorize direct supervision staff to complete an initial 40 hours of training before assuming direct supervision responsibilities and the remaining 80 hours before the end of their first year of employment. This variance shall remain in effect until 6VAC35-71 is amended such that the variance is no longer necessary, or for five years, whichever occurs first. All Board members present declared “aye,” and the motion carried.

REQUEST AMENDMENT TO BOARD POLICY 02-002 (MEDIA RELATIONS)

Ken Davis, Regulatory Affairs Coordinator, Department

In April, the Department began reviewing all the Board’s policies and deciding which ones need to be retained, amended, or rescinded. Policies are separate from regulations. Regulations go through the Administrative Process Act and have the force of law. Policies do not have that force or go through that process, but instead become effective once the Board votes on them.

The Board affirms the value of the media and the public’s right to be informed and that dissemination of information to and by the media is important. It is the Board’s policy to encourage residential and nonresidential programs in the juvenile justice system in Virginia to communicate information properly and accurately to the news media without compromising facility security or confidentiality of individuals. The Department reviewed the policy to decide if it was still necessary, and had a discussion with the agency’s public information officer, who felt it needed to stay in place and recommended keeping it.

The review of the policy raised some concerns that it did not set any parameters for how employees interacted with the news media. The Department made a small amendment noted on page 189 of the Board packet; the first two paragraphs are the same but the last paragraph now reads, “it is the policy of the Board to encourage residential and non-residential programs in Virginia’s juvenile justice system to interact with the media in a courteous and professional manner and to handle all media inquiries in accordance with applicable laws, regulations, and procedures, without compromising facility security or confidentiality of individuals.” Adding language about applicable laws, regulations, and procedures would guarantee the Department’s procedures would govern its media relations.

On motion duly made by Scott Kizner and seconded by Eric English, the Board of Juvenile Justice approved the amendment of Board Policy 02-002 (Media Relations), as proposed at the September 21, 2022, meeting, to take effect immediately. All Board members present declared “aye,” and the motion carried.

REQUEST AMENDMENT TO BOARD POLICY 02-024 (Collaboration with Colleges and Universities)

Kristen Peterson, Regulatory and Policy Coordinator, Department

This Board policy declares how important it is to interact with and collaborate with institutions of higher education. The Department's recommendation was to retain the policy which speak to providing opportunities for research, student internships, academic coursework for Department employees, and assistance with seminars and conferences. The policy omits the need to provide some of these benefits to the committed youth. It speaks to the benefit of having these types of relationships so staff and interns in the facilities can take advantage of academic opportunities, but there is nothing that mentions actual committed youth and the ability to take advantage of academic opportunities. The Department is now embarking on additional efforts to collaborate with educational institutions to provide these opportunities for the committed youth and to provide career readiness programs for when youth are released from commitment. The proposal adds this minor language. Language was also changed in the last sentence addressing the Department and its organizational units being encouraged to collaborate with colleges, universities, and other institutions of higher learning in programs and projects of mutual concern. The proposal adds language to acknowledge that oftentimes these collaborations and programs with these institutions are of mutual benefit to both the Department and the educational institutions.

Board Member James Price said she was encouraged to see the collaboration with the young people no matter what their circumstances. Board Member James Price asked if this was fostering and encouraging mentorship? Ms. Peterson responded that yes, she would agree with that statement.

On motion duly made by Anita James Price and seconded by Scott Kizner, the Board of Juvenile Justice approved the amendment of Board Policy 02-024 (Collaboration ith Colleges and Universities), as proposed at the September 21, 2022, meeting, to take effect immediately. All Board members present declared "aye," and the motion carried.

REQUEST RECISSION OF BOARD POLICY 20-106 (BEHAVIOR MANAGEMENT)

Kristen Peterson, Regulatory and Policy Coordinator, Department

The Department's regulations already address behavior management. Language in the regulation defines behavior management as those principles and methods employed to help a resident achieve positive behavior and to address and correct a resident's inappropriate behavior in a constructive and safe manner. This policy requires the Department to develop procedures and practices that reward positive behavior and encourage residents who behave negatively to correct their behavior. The provision is unnecessary, and the regulation already addresses this area. The JCC follows a community treatment model, and written procedures are already in place that encourage residents to behave positively and reward residents when they behave in a manner that is consistent with the facility's expectations. With the community treatment model, residents are on a phased system in which a resident progresses through phases as their behavior improves, or they are frozen on specific phases if they do not meet the facility's expectations. The current procedures are consistent with this policy. The Board has the single authority to promulgate regulations if there are additional changes the Board wanted to make regarding the behavior management requirements. The Department believes it is more appropriate to make the changes in the regulatory provisions, so staff do not have to consult numerous documents. The Department's recommendation is to rescind this policy.

On motion duly made by Will Johnson and seconded by Eric English, the Board of Juvenile Justice approved the rescission of Board Policy 20-106 (Behavior Management), as proposed at the September 21, 2022, meeting, to take effect immediately. All Board members present declared "aye," and the motion carried.

DIRECTOR'S CERTIFICATION ACTIONS

Ken Bailey, Certifications Manager, Department

Mr. Bailey directed the Board to the packet, which contained the individual audit reports and a summary of the Director's certification actions completed up to August 25, 2022.

The audit for the Summit Transitional Living Program found one deficiency. The follow-up visit showed corrective action was taken, and the Director certified the program until April 30, 2025.

The audit for Prince William Juvenile Detention Center found one deficiency, which was an oversight in using an outdated form. Prince William Juvenile Detention Center corrected the deficiency to put them in compliance, and the Director certified the program until April 13, 2025.

The audit for Richmond Juvenile Detention Center and Post Dispositional Program found two deficiencies. One of the deficiencies was unique in that staff would wake youth to read them their disciplinary charges and let them out of their room to get an hour of physical activity. This took place during sleeping hours. It was the opinion of the audit team that these youth were being deprived of the opportunities for adequate rest and sleep. The facility ceased this process. Richmond Juvenile Detention Center and Post Dispositional Program also had an issue with a disciplinary report form not being properly used. The Director certified the program until June 12, 2025.

Mr. Bailey told the Board he had been struggling with the audit report for Northern Virginia Juvenile Detention Center (NVJDC) since 2021. The original audit had five deficiencies, and over time, all were corrected and put the facility in compliance. On page 36 of the Board packet, an addendum report was submitted noting a significant incident that occurred after the conclusion of the audit in 2021. One of the worst things to happen in a detention center is an escape. Not only does it disrupt the facility and endanger the lives and safety of the residents, but also the community. Fortunately, in this situation, the resident was not injured, and there were no additional offenses in the community before he was apprehended. Mr. Bailey reviewed a video of the incident, which occurred on a recreation field with one staff member having supervision of three residents on recreation. The staff member was sitting with two of the youth apparently on the phone as the other young man wandered away from his supervision kicking a soccer ball. There was an area of the fence where the youth was able to get a hand hold, and it took him six seconds to scale the fence, move to the top of the roof, make his way to the back to scale another fence, and escape the facility. Mr. Bailey reviewed the regulatory requirements and discovered that in June 2020, the NVJDC Commission had removed all the razor and barbed wire that topped the building. This was done because of community feedback that the wire was unsightly. The facility is located within high-rise condominiums; the facility was there before the condos were built. At the insistence of the citizenry, the Commission had all the razor and barbed wire removed. There was no consultation with the Department. NVJDC created a safety situation by doing this, and the Department would not have condoned that type of action. If they needed to remove the wire, then they should immediately have had a substitution in place to secure the top of the building. NVJDC was cited for not notifying the Department. They went for a year with no issues, but in June 2021 the escape took place, and it was the first time the Department learned the wire had been removed. Since then, the facility submitted a proposal to remedy the problem. This has bounced back and forth since the escape, with one excuse after the other as to why the fence is not repaired. The facility's way of dealing with the issue was to suspend all the outdoor recreation and only have youth participate in recreation in the gym. Outdoor recreation can be suspended on a temporary basis when there is a threat to safety and security, but to utilize this for over a year was not acceptable.

A plan is in place to begin construction on October 15. The Director has given NVJDC until November 8 to have the fencing in place to provide a secure parameter with priority being a ten-foot section where the youth scaled and went over the fence. Mr. Bailey thought there were several ways the detention center could have fixed the issue earlier but chose not to take any of those suggestions. They continued to come up with excuses. They have a drop-dead deadline of November 8. If the work is not completed on the fence at that

time, Mr. Bailey will do a re-inspection and will recommend to the Director that administrative action be taken to close the facility.

Director Floriano said she was advised by Mr. Bailey of this situation, and all they provided were excuses, and their solution was unacceptable to not give the youth outside time. When the facility was advised of the Department's concern, their next solution was to put a staff member on the roof when youth were outside, which was problematic and not an acceptable solution. If the wire is not up by November 8, the facility has been notified not only will the facility receive a visit from Mr. Bailey but also Director Floriano, and the facility will be shifting the youth out to another institution.

Chairperson Schrad asked how many residents are in NVJDC. Mr. Bailey said the last time he checked there were eight residents. Chairperson Schrad asked if they do not have the repairs fixed by November 8, will this be a permanent closing of the facility. Director Floriano responded they would readdress this issue with the Commission. Director Floriano stressed the importance of detention centers complying with the regulations and the need to take them seriously so no harm will come to these youth.

Board Member Kizner wanted to clarify that the commission approved the fencing to come down. Mr. Bailey answered that the fence did not come down, the barbed/razor wire at the top of the fence was taken down because it was unsightly to them.

Chairperson Schrad asked if this was the local planning commission. Director Floriano answered that local detention centers are operated by the locality and typically are overseen by commissions who run the detention centers with local funding and assistance by the state. Chairperson Schrad stated from a liability perspective they are on notice.

At the last meeting, Mr. Bailey discussed the situations of Roanoke and Chesapeake detention centers. There has been tremendous progress at Chesapeake Juvenile Services. Department staff have reviewed several videos on physical restraint, and all incidents, reports, disciplinary reports, and room confinement forms are being done the way they are supposed to according to the regulations. An experienced staff member on the Certification Unit for Handle With Care has reviewed the videos and assessed the wrong and correct actions. Chesapeake is working on their behavior management program with the help of the Department's Quality Assurance specialists and hope to have it finalized the first part of October. Chesapeake wants to move toward a therapeutic setting.

Roanoke Detention Center had a problem with their computer system and could not electronically control the locking sensors on the doors or the intercom system. They have received two bids and are reviewing those expenses with their Commission. In the meantime, they found a local contractor who was able to find repair parts that the computer system needed. The locking mechanisms on the doors were completely functional. The only thing that was not functional was the intercom system.

DIRECTOR'S REMARKS

Amy M. Floriano, Director

Director Floriano recognized Deputy Director of Administration and Finance Jamie Patten, who is leaving for another job opportunity.

SPECIALLY CALLED MEETING

A specially called meeting to discuss the revisions to the length of stay guidelines is scheduled for November 9.

ADJOURNMENT

Chairperson Schrad adjourned the meeting at 12:43 p.m.